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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/528,282    03/17/00    FURUYA

Y    109A 2948

EXAMINER

PM82/1005

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LOS ANGELES CA 90067

SHAPIRO, J

ART UNIT

PAPER NUMBER

3651

DATE MAILED:

10/05/01

4

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application N .

09/528,282

Applicant(s)

FURUYA, YONEZO

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 09/528,282, filed on 3/17/00.

### ***Specification***

2. The disclosure is objected to because the upper margin is not large enough to allow proper hole punching for securing the application documents to the file. As such, portions of the text (the top one or two lines of each page) of the application has become obliterated by hole punching. It is suggested that a substitute specification with proper margins be submitted. Correction is required. See MPEP § 608.01(b).

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of the hole-punching issue described above.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

4. Claims 1-27 are objected to because of the following informalities.

As noted with the specification above, margins are not appropriate to allow for proper hole punching, causing the obliteration of the top one or two lines of text. See specification objections, above.

5. In Claim 11, sixth line, the word "exiting" appears to be "exciting".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4, 9, 14 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what "predetermined period" is being referred to and how long said period is.

8. Claims 4, 9, 14 and 25 recite the limitation "every predetermined period", for example, in lines 2 and 3 of Claim 4. There is insufficient antecedent basis for this limitation in these claims.

***Claim Rejections - 35 USC § 102***

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Coinstar. Coinstar discloses the coin inspection apparatus as follows.

As described in Claims 1,6, 11, 16 and 27;

1. an exciting coil (see figure 2a, 2b,2c and 2d, for example) arranged in the vicinity of one side of a coin passage;
2. a receiving coil (see figures 5, 6 and 11a) arranged in the vicinity of said one side of said coin passage so as to be electromagnetically coupled with said exciting coil;
3. oscillation means (1152a and b) for exciting and oscillating said exciting coil at a predetermined frequency to produce an electromagnetic field;
4. first detecting means (see figure 55c) for detecting at least one of amplitude, frequency and phase of an oscillation voltage of said exciting coil;
5. second detecting means (see figure 55c, sensors 4546a, b or c) for detecting an electromotive force signal generated in said receiving coil;

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6. discriminating means (see figures 36, 37 and 38) for discriminating authenticity of the thrown coin based on detection from said first and second detecting means;

As described in Claims 2, 7, 12 and 19;

7. said predetermined frequency is set in accordance with material of the coin to be discriminated (see figure 35b);

As described in Claims 3, 8, 13 and 20;

8. said discriminating means determines material of the thrown coins based on the amplitude of the oscillation voltage of said exciting coil (see figure 35b);

As described in Claims 4, 9, 14 and 25;

9. said discriminating means samples said electromotive force signal in every predetermined period, and performs a statistical process based on the sampled values to determine a feature of the thrown coin (see figure 37);

As described in Claims 10, 15 and 26;

10. said statistical process is performed by obtaining a coefficient of correlation of said sampled values with respect to a reference coin, and discriminating the thrown coin based on magnitude of said correlation coefficient (see figure 55d);

As described in Claims 5, 6, 16 and 27;

11. two receiving coils having substantially identical characteristics and arranged in the vicinity of said one side of said coin passage so that said receiving coils are electromagnetically coupled with said exciting coil (see figures 56a-56h);

As described in Claims 17 and 27;

12. said first detecting means includes a first detector circuit for outputting a direct voltage signal corresponding to the oscillation voltage of said exciting coil (see figures 31a-31i);

As described in Claims 18 and 27;

13. said second detecting means comprises a bridge circuit including said two receiving coils, a differential amplifier circuit for amplifying an alternating voltage signal outputted from said bridge circuit and outputting the amplified signal, and a second detector circuit for detecting and rectifying the alternating voltage signal from said differential amplifier circuit and converting the same into a direct voltage signal corresponding to the output of said bridge circuit (see figure 12);

As described in Claims 21-23;

14. said exciting coil is arranged at a predetermined distance from said receiving coils so that a line connecting the center of magnetic poles of said exciting coil is substantially **parallel or perpendicular** with an extending direction of said coin passage, and two receiving coils are arranged above a coin rail provided with said coin passage so that a line

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connecting centers of said two receiving coils is substantially **parallel or perpendicular** with an extending direction of said coin passage (see figures 2c and 3);

As described in Claims 6 and 24;

15. said coin passage (2121a) is formed so that a coin passing therethrough is inclined to said one side of said coin passage where said exciting coil and said receiving coils are arranged (see figure 21);

### ***Double Patenting***

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-16 of copending Application No. 09/528,283 in view of Martin et al. The '283 application claims a coin inspection apparatus which, when combined with Martin et al, as described above, makes obvious the claims of the instant application.

This is a provisional obviousness-type double patenting rejection



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-0552 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro  
Patent Examiner,  
Art Unit 3651

September 28, 2001



CHRISTOPHER P. ELLIS  
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